

SUPERIOR COURT OF CALIFORNIA COUNTY OF MONO

RULES OF COURT

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SUPERIOR COURT OF CALIFORNIA COUNTY OF MONO LOCAL RULES

CHAPTER 1. INTRODUCTORY

RULE 1.1 ADOPTION OF RULES

These rules are adopted by the Superior Court of the County of Mono pursuant to Government Code §§68070 and 68071, and Code of civil Procedure §§128 and 187, and are effective July 1, 2001.

Eff. Jul 1, 2001.

RULE 1.2 REPEAL OF PRIOR RULES

Upon the effective date of these rules, all other rules heretofore adopted by this court shall be repealed, provided that no action theretofore taken in compliance with such rules shall be made or deemed invalid or ineffective by such repeal.

Eff. Jul 1, 2001.

RULE 1.3 CITATION

These rules shall be known and cited as the Superior Court Rules and at all times be supplementary and subject to any and all rules heretofore and hereafter adopted for the courts by the Judicial Council of California.

Eff. Jul 1, 2001.

RULE 1.4 CONSTRUCTION AND APPLICATION

These rules shall be liberally construed to serve the proper and efficient administration of the business and affairs of this court and to promote and facilitate the administration of justice by the courts.

Eff. Jul 1, 2001.

RULE 1.5 DEFINITION OF TERMS

The definitions set forth in the California Rules of Court apply with equal force and for all purposes to the local rules unless the context or subject matter otherwise requires. Set forth below are definitions of selected terms used in these rules:

Court: The word court shall mean the particular court in which a matter is pending, unless otherwise specifically noted and shall include and apply to:

--Any judge who is appointed or elected a member of this court;

--Any judge, including a retired judge, who is assigned by the Chairperson of the Judicial Council to serve this court;

--Any commissioner or referee who is appointed by the judges of this court;

--Any retired commissioner who is assigned by the Presiding Judge pursuant to Government Code §72190 to serve the court; and,

--Any member of the State Bar of California ordered to act as a temporary judge to serve this court pursuant to Article VI, Section 21 of the California Constitution and Rule 532 of the California Rules of Court.

California Rules of Court: California Rules of Court mean the rules of court administration, practice and procedure adopted by the Judicial Council of California.

Judicial Officer: The term judicial officer includes any judge who is appointed or elected a member of this court and any commissioner or referee who is appointed by the judges of this court.

Presiding Judge: The word, Presiding Judge, shall mean the Presiding Judge of the Superior court of Mono County. The presiding judge shall be selected in accordance with Government Code §69508.5 and Rule 204, CRC.

Clerk: The word Clerk includes the Court Executive Officer and any duly appointed and sworn deputy clerks of the courts.

Person: The word person includes corporations, associations, public entities and all other entities as well as natural persons.

Paper: The word paper includes all documents except as otherwise provided in the California Rules of Court.

Judgment: The word judgment includes and applies to any judgment and to any order or decree from which an appeal lies.

Eff. Jul 1, 2001.

RULE 1.6 AMENDMENT AND REPEAL

These rules may be amended by the Presiding Judge after consultation with the judges of the court in which these rules shall apply.

Eff. Jul 1, 2001.

CHAPTER 2. ADMINISTRATION OF THE COURTS; FAIRNESS; COURTROOM DECORUM

ADMINISTRATION

RULE 2.1 LOCATION

Sessions of the court shall be held in Bridgeport and Mammoth Lakes, CA.

Eff. Jul 1, 2001.

RULE 2.2 HOLIDAYS

If any day on which an act is required by these rules to be done falls on a holiday as defined in Code of Civil Procedure §134 and Government Code §6700, the act may be performed with the same effect as if it had been performed on the required day on the next succeeding court day after the holiday.

Eff. Jul 1, 2001.

RULE 2.3 PRESIDING JUDGE

The superior court shall have a presiding judge, to be selected as set forth in Rule 1.5.

Eff. Jul 1, 2001

FAIRNESS

RULE 2.4 DUTY TO PREVENT GENDER OR OTHER BIAS

To preserve the integrity and impartiality of the judicial system, each judge shall:

- a. Insure that courtroom proceedings are conducted in the manner that is fair and impartial to all the participants.
- b. In all judicial proceedings refrain from engaging in conduct and prohibit others from engaging in conduct that exhibits gender or other bias whether that bias is directed toward counsel, court personnel, witnesses, parties, jurors or any other person.
- c. Insure that all orders, rulings and decisions are based on the sound exercise of judicial discretion and the balancing of competing rights and interests and are not influenced by sex based or other stereotypes or biases.

Eff. Jul 1, 2001.

RULE 2.5 GENDER NEUTRAL LANGUAGE

The court shall use gender neutral language in all local rules, forms and court documents and shall provide for periodic review to insure the continued use of gender neutral language. These changes will be made as local rules, forms and documents are modified for other reasons.

Eff. Jul 1, 2001.

RULE 2.6 COMPLAINTS RE: BIAS OR SEXUAL HARASSMENT

Court employees, attendants and officers of the court will not engage in any conduct or activity that produces or contributes to bias or sexual harassment in the court system.

Any person who observes or believes they have been subjected to bias or sexual harassment shall immediately report the incident to the court's Executive Officer. The Executive officer shall have the following duties and powers:

- a. Investigate any complaints promptly and thoroughly.
- b. Ensure that the complainant's rights are protected.
- c. When appropriate, consult with attorneys and/or members of the public.
- d. Maintain confidentiality.
- e. Maintain quarterly report on complaints received, if any.
- f. Make recommendations for policy or procedure changes, training, and any other means that will prevent and eliminate bias and /or sexual harassment in the court system.

Eff. Jul 1, 2001.

COURTROOM DECORUM

RULE 2.7 GENERAL POLICY

- a. These rules have been adopted to foster orderly proceedings and respect for the Constitution of the United States, the constitution of the State of California, the laws of this state, and the Superior Court.

b. The rules set forth herein shall apply in all superior court proceedings unless a judicial officer orders otherwise in a particular circumstance. A judicial officer, upon appropriate application in a particular case, may waive the application of any particular rule or may impose additional rules applicable to such case.

c. Each attorney who appears in court should:

1. Pursuant to Business and Professions Code §6068(b) “maintain the respect due to the courts of justice and judicial officers.”

2. Be polite and considerate toward opposing counsel, opposing parties, witnesses, and members of the court’s staff.

3. Be familiar with the rules and guidelines set forth in this chapter as well as other applicable statutes and rules of conduct, ethics, and professionalism.

4. Make reasonable efforts to advise clients, witnesses, and others accompanying them of these rules, and make a reasonable attempt to see that such persons abide by these rules.

Eff. Jul 1, 2001.

RULE 2.8 ATTIRE

All attorneys, litigants, witnesses and spectators shall be required to dress and conduct themselves in a manner consistent with the traditional dignity of the superior court.

a. **Litigants and Attendees.** All persons in the courtroom should dress in a manner that is not offensive or distracting to others of usual sensibilities. Counsel shall so instruct parties they represent, witnesses they call and persons accompanying them. No person shall appear in court without a shirt, barefoot or with a bare midriff. The following shall not be worn in court: sunglasses, hats, or any clothing that displays inappropriate words or pictures.

Bailiffs will remove any person from court who violates this rule. This rule does not limit the power of any judicial officer to further prescribe appropriate attire in the courtroom.

b. **Attorneys.** Attorneys should be neatly and appropriately dressed in business attire for all court appearances.

Eff. Jul 1, 2001.

RULE 2.9 GENERAL COURTROOM BEHAVIOR

Persons in the courtroom shall not:

a. Talk to clerks when the court is in session, except conversation that may be necessary in relation to the matter at that moment before the court.

b. Converse with anyone in a manner that is distracting to the proceedings then before the court.

c. Eat, drink, chew gum, or read newspapers.

d. Visibly or audibly display approval or disapproval, agreement or disagreement with any testimony, ruling, or statement of the court, counsel, or a witness.

e. Communicate in any way with a prisoner.

Eff. Jul 1, 2001.

RULE 2.10 COMMUNICATIONS TO COURT OR JURY

a. Counsel shall instruct their staff, the parties they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with the court touching upon any subject of the pending litigation except on the record with all counsel or parties appearing in propria persona present.

b. Counsel shall instruct the parties that they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with any juror or alternate juror.

Eff. Jul 1, 2001.

RULE 2.11 TELEPHONES, CELLULAR PHONES, AND BEEPERS

a. No one other than a judicial officer or a member of the court's staff shall use a courtroom telephone without the specific permission of the court.

b. Cellular phones shall not be used within the courtroom at anytime. All noise alert devices related to such cellular phones shall be turned off when in the courtroom.

c. All beepers and other noise alert devices shall be turned off in the courtroom.

Eff. Jul 1, 2001.

RULE 2.12 TRAVERSING THE WELL

Persons in the courtroom should not traverse the area between the bench and counsel table, except with the express approval of the court. Counsel shall so instruct their clients, witnesses they call, and persons accompanying them.

Eff. Jul 1, 2001.

RULE 2.13 EXAMINATION FROM COUNSEL TABLE

Counsel, and parties appearing in propria persona, shall remain at a lectern or behind the counsel table when examining a witness. During trial, counsel shall not exhibit familiarity with witnesses, parties or other counsel, nor address them by use of first names (except children).

Eff. Jul 1, 2001.

RULE 2.14 APPROACHING A WITNESS

Unless directed otherwise by the court, counsel need not request the permission of the court to approach a witness for the purpose of showing the witness a document or object. Before approaching a witness for any other purpose, a party shall request permission from the court.

Eff. Jul 1, 2001

RULE 2.15 SMOKING

Smoking is prohibited throughout the courthouse. Persons desiring to smoke shall do so outside of the courthouse. Recesses during jury deliberation will be permitted at reasonable intervals to permit smoking outside the courthouse.

Eff. Jul 1, 2001.

RULE 2.16 FORM OF PAPERS PRESENTED FOR FILING

All papers presented for filing shall comply with California Rules of Court, Rule 201. The use of white-out to delete or amend any of the contents of such papers is not permitted.

Eff. Jul 1, 2001; Amended Eff. Jan. 1, 2003

**CHAPTER 3
GENERAL PRETRIAL RULES**

RULE 3.1 APPLICATION OF GENERAL COURT RULES

These Rules are in addition to, and do not supersede, applicable state rules unless specifically authorized and so stated.

Eff. Jul 1, 2001.

RULE 3.2 RELIEF FROM LOCAL RULES

Relief from operation of these rules must be on prior request to the court.

Eff. Jul 1, 2001.

RULE 3.3 SANCTIONS

Failure to comply with any local rule or California Rules of Court may subject the party to sanctions pursuant to California Rules of Court, rule 227; Code of Civil Procedure sections 177.5 and 575.2.

Eff. Jul 1, 2001.

RULE 3.4 REGULAR LAW AND MOTION

Civil Law and Motion matters are heard on Thursdays in Mammoth Lakes, (no Law and Motion matters will be set on the 5th Thursday of any month) and every Friday in Bridgeport. Matters in which the time estimates are 20 minutes or less are heard at 9:30 a.m.

Eff. Jul 1, 2001.

RULE 3.5 SHORT CAUSES

Matters in which the time estimates are one-half day or less may be set on Law and Motion Day at such times as are approved in advance of setting by the Branch Calendaring Clerk.

Eff. Jul 1, 2001.

RULE 3.6 AUTHORITY OF CLERK'S OFFICE REGARDING SETTINGS

The setting of cases for trial and for pretrial and mandatory settlement conferences is done by the presiding judge who has delegated initial authority in these matters to the clerk's office.

When matters are assigned for trial by the clerk's office they will be assigned to the available location and department.

Eff. Jul 1, 2001

RULE 3.7 NO AT ISSUE MEMORANDUM-CIVIL CASES

No at issue memorandum need be filed with the court.

Eff. Jul 1, 2001

RULE 3.8 SETTING CASES FOR TRIAL

Cases may be set for trial without a trial setting conference. Trial dates will be selected by the judge assigned to the case, who will consider the nature of the case, the Case Management Statement, the attorney's availability calendar and the condition of the court's calendar. The place of trial will be selected by the court after consideration of the convenience of the witnesses and parties as well as the availability of courtrooms.

Eff. Jul 1, 2001

RULE 3.9 REQUESTS FOR CHANGES IN TRIAL DATES

All requests for a change in trial date must either conform to section 3.10, or be brought by motion pursuant to Rule 375, California Rule of Court.

Eff. Jul 1, 2001

RULE 3.10 STIPULATION REGARDING CALENDARED MATTERS

Stipulations to vacate a matter that has been calendared or for a change of a date for a trial or other matter that has been calendared by the court are joint requests by the stipulating parties that a date be changed. The originally calendared date will not automatically be changed. If the stipulation is that the matter be continued to a specific date, the stipulation must aver that the clerk's office has approved the availability of the proposed date.

Eff. Jul 1, 2001

RULE 3.11 TRIAL SETTING CONFERENCE/SETTLEMENT CONFERENCE

Trial Setting Conference/Settlement Conferences are mandatory for any civil case where jury is demanded. Appearances are mandatory. The Clerk of the Court shall notice counsel by mail of Trial Setting Conference/Settlement Conferences after the case is on the civil active list, unless counsel appeared in Court when such a hearing was scheduled. (see rule 4.10).

Eff. Jul 1, 2001

RULE 3.12 NOTICE OF TRIAL

Following the trial setting conference, the Clerk shall mail notice of trial pursuant to Rule 221, California Rules of Court.

Eff. Jul 1, 2001.

RULE 3.13 PRETRIAL CONFERENCE

A pre-trial conference will be set approximately two weeks prior to trial. Motions in limine shall be heard at the pretrial conference, and not on the day of trial. (see Rule 4.8).

Eff. Jul 1, 2001.

**CHAPTER 4
CIVIL CASE MANAGEMENT****RULE 4.1 SCOPE OF CHAPTER**

This chapter applies to all general civil cases filed after July 1, 1992, "General Civil Case" means all civil cases except probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform child Custody Jurisdiction Act, freedom from parental custody and control proceedings, and adoption proceeding), juvenile court proceedings, small claims appeals, and "other civil petitions" as defined in the Regulation on Superior Court Reports to the Judicial Council, including petitions for writ of mandate of prohibition, temporary restraining order, harassment restraining order, domestic violence restraining order, writ of possession, appointment of a receiver, release of property from lien, and change of name.

Eff. Jul 1, 2001.

RULE 4.2 DEFINITIONS

- (A) The term "counsel" includes parties representing themselves;
- (B) The term "defendant" also includes cross-defendant.

Eff. Jul 1, 2001.

RULE 4.3 TRANSFERRED CASES

All cases transferred from another jurisdiction are subject to this Rule.

Eff. Jul 1, 2001.

RULE 4.4 POLICY

It is the policy of the Mono County Superior Court to manage all cases from the moment the Complaint is filed.

- (A) It is the policy of the Court to conclude 90% of all civil litigation cases filed within twelve (12) months of the filing of the Complaint.
- (B) It is the policy of the Court to conclude 98% of all civil litigation cases within eighteen (18) months of the filing of the complaint and 100% within twenty-four (24) months.
- (C) It is the policy of the Court that, once any date has been set, it cannot be changed without a showing of good cause.

Eff. Jul 1, 2001.

RULE 4.5 SERVICE OF SUMMONS

- (A) Within sixty (60) days of the filing, the Complaint must be served and a proof of service filed with the Court. When a complaint is voluntarily amended for the first time, pursuant to CCP 472, before the defendant answers (even after demurrer), the time herein shall run from the file date of the amended complaint.
- (B) Upon failure to serve the Complaint and file a proof of service as required above, an Order to Show Cause shall issue as to why counsel should not be sanctioned for failure to comply with this Rule.
- (C) Responsive papers to the Order to Show Cause must be filed and served five (5) days in advance of the hearing.

Eff. Jul 1, 2001.

RULE 4.6 RESPONSIVE PLEADINGS

- (A) Each party served shall file and serve all necessary responsive pleadings within the time required by law.
- (B) Absent the filing of the responsive pleadings, the plaintiff is required, within sixty (60) days after the statutory time for filing the responsive pleadings, to request the entry of default, as herein provided. Failing that, an Order to Show Cause will issue as to why sanctions should not be imposed.
- (C) After a request for entry of default is filed, the Court will set and notice the case for default hearing. In lieu of appearance and in an appropriate case, a declaration under Code of Civil Procedure Section 585 may be submitted.
- (D) Default hearings and judgments need not be pursued in multi-defendant cases until the entire action against all responding defendants has concluded.
- (E) Parties may seek to set aside a default by a stipulation submitted with a proposed Order. If the Court approves the Order, an Answer or other pleading must be filed within ten (10) days of the filing of the Order.

Eff. Jul 1, 2001.

RULE 4.7 CASE MANAGEMENT CONFERENCE

- (A) **Filing of Complaint.** Upon filing a Complaint, the plaintiff shall receive the following from the Clerk:
 - (1) Summons and Complaint indicating case number.
 - (2) Notice and date of the Case Management Conference which will be set within one hundred eighty (180) days of the filing of the original complaint; and
 - (3) A Notice of Filing Complaint and Dispute Resolution Packet.
- (B) **Notice.** At the time of serving the Summons and Complaint (and a cross-complaint upon a new party), the responding party shall be served with the Notice of the Case Management Conference.
- (C) **Case Management Conference.** Counsel for each appearing party shall attend the Case Management Conference, shall be familiar with the case, and shall be prepared to discuss all matters. Counsel who fail to attend or participate shall be subject to sanctions. At the Case Management Conference, the Court may make all the appropriate pretrial orders, which can include the following:
 - (a) *Alternative Dispute Resolution.* The Court may make Orders on stipulations to binding arbitration and filing of the award, and/or set a future status conference date for referral to arbitration. The

- (b) Court shall examine and consider alternative dispute resolution programs or procedures available to the parties;
- (c) *Discovery*. Orders establishing a plan regulating the timing, scope, issues, and deadlines for completing any remaining discovery;
- (d) *Law and Motion*.. Orders scheduling dates by which law and motion matters must be completed;
- (e) *Subsequent Conferences and Trial Date*.. Orders setting further interim status conferences and setting the issue conference/trial date. (Failure to file cross-complaints shall not be considered a valid ground for enlarging the time for trial, arbitration, or other processes). Untimely cross-complaints shall, in most cases, be served so as not to delay the orderly processes of the Court.

Eff. Jul 1, 2001: Amended Eff. Jan. 1, 2003.

RULE 4.8 PRETRIAL CONFERENCES

As to all cases, approximately fourteen (14) days prior to the trial date, a Pretrial Conference will be held before the trial judge in which all matters necessary to be resolved before trial will be before the Court. All trial counsel must be present, along with all principals or clients and claims representatives.

- (A) Motions in Limine.** All motions in limine must be in writing and are to be filed and served at least three (3) court days before the conference.
- (B) Pretrial Conference Statement.** A “Pretrial Conference Statement” must be filed with the Court five (5) court days prior to the Pretrial Conference. The following shall be included in this statement and will be considered at the conference.
 - (a) A statement of facts, law and respective contentions of the parties regarding liability, damages, nature and extent of injuries, any unusual evidentiary or legal issues anticipated at trial, and all matters of fact believed by any party to be appropriate for stipulations;
 - (b) All witness lists, a brief statement of anticipated testimony, an exhibit list, and a trial length estimate;
 - (c) A proposed statement of the case to be read to the jury,

Eff. Jul 1, 2001

RULE 4.9 SANCTIONS

If the Court finds that any party has not proceeded with due diligence or has otherwise failed to comply with these rules, sanctions may be imposed.

Eff. Jul 1, 2001

RULE 4.10 SETTLEMENT CONFERENCES

4.10.1 Presence of Accessibility of Attorneys, Parties and Others

At the mandatory settlement conference, *each party appearing in an action must be personally present* or must be immediately accessible by telephone at all times during the conference. *Corporate parties and governmental entities must be represented by a responsible officer in addition to and separate from counsel for such parties – authorized to make all decisions regarding the case*, subject only to the approval of any governing board having the ultimate power to make such decisions. By way of illustrating the legal capacity of the representative of a governmental party, it is expected that the responsible officer, in the case of a city, would be the city manager, mayor or authorized public official at the “Department Manager” level and, in the case of a county, would be the county administrator, chairman of the Board of Supervisors, or authorized public official at the “Department Manager” level. For every party appearing in the action, counsel who will actually try the case must attend the conference. In any tort case wherein a party who might be liable for damages has

insurance coverage, the insurance company shall have present, or immediately accessible by telephone throughout the entire duration of the conference, a representative who shall be authorized to make all decisions regarding the case.

Eff. Jul 1, 2001.

4.10.2 DUTIES OF COUNSEL PRIOR TO CONFERENCE

- (A) **Settlement Conference Statement.** At least five (5) days before the conference, counsel for each party will lodge with the Clerk of this Court, and serve upon all other counsel, a detailed settlement conference statement. The statement will not form a part of the Clerk's file but will be retained by the settlement conference judge following the conference, if a party designates the statement as a confidential statements. Any party's settlement conference statement may incorporate another party's settlement conference statement by reference.
- (B) **Content.** In every case, the statement will contain a summary of the facts, the harm claimed by plaintiff to have been produced by defendant's conduct and the legal issues involved as well as a proposal for the settlement of the case.
- (C) **Tort Actions – Damages.** In actions seeking damages for injury to person or property, the statement shall contain a detailed summary of all items of claimed damage and a statement that copies of all medical or other bills evidencing some damage have been delivered to opposing counsel. In actions seeking damages for personal injury, the statement of each party shall have attached to it a copy of that party's most recent medical report and a statement that either copies of all medical reports in the possession of that party have been delivered to all other parties or that, for a specified reason, certain reports will not be so delivered. When damage for earning or profit loss is claimed, the claimant's statement shall show in detail how the amount of the claimed loss is composed and shall include a statement that copies of all wage statements or other earnings or profit records available to the claimant have been delivered to opposing counsel.

Eff. Jul 1, 2001

4.10.3 DUTIES OF COUNSEL AT CONFERENCES

Each attorney attending a mandatory settlement conference has a duty to be thoroughly familiar with the relevant evidence available to him pertaining to all issues and shall be prepared to discuss all aspects of the case. In addition, the attorney for each party who has requested a jury trial in a case where the right thereto is not guaranteed by law or in a case in which special verdicts or findings of the jury will be required, shall present the form of any special verdicts or interrogatories which will be required for the resolution of the case by the jury.

Eff. Jul 1, 2001

4.10.4 VACATING CONFERENCE

A mandatory settlement conference will not be vacated at the request of counsel unless counsel for each defendant advises the Court in writing that his client will neither make or accept any offer to settle the case at any time prior to trial.

Eff. Jul 1, 2001

4.10.5 SANCTIONS

The failure of any person to appear at, prepare for, or participate in good faith in a mandatory settlement conference, in conformity with the requirements of this chapter, unless good cause is shown for such failure, is an unlawful interference with the proceedings of the Court and may result in sanctions as set forth in Chapter 3 of these Rules.

Eff. Jul 1, 2001

RULE 4.11 PRESENTATION, FILING AND SERVICE OF COURT PAPERS**4.11.1 PROPOSED JUDGMENTS, DECREES AND ORDERS IN UNCONTESTED MATTERS**

In uncontested proceedings (e.g., uncontested dissolution of marriage, default judgment, and routine probate applications), an original and one copy of the proposed judgment, decree or order sought in the proceeding shall be presented to the Clerk prior to the Clerk's preparation of the calendar upon which such matter is proposed to be heard and the Clerk shall not place such proceeding on the calendar for hearing unless the original and copy of the proposed judgment, decree or order shall have been so presented. The copy mentioned in the foregoing requirement is in addition to any copy which counsel desire to have endorsed and returned to counsel by the Clerk.

Eff. Jul 1, 2001

RULE 4.11.2 FILING AND SERVICE OF ORDERS

All written orders, including orders to show cause, orders for examination of judgment debtors, temporary restraining orders and injunctions, signed by a judge, shall be filed forthwith. An endorsed copy shall be served upon the parties to be notified thereof and an endorsed copy, bearing proof of service, shall be filed prior to the hearing.

Eff. Jul 1, 2001

RULE 4.11.3 EX PARTE APPLICATIONS

Unless otherwise herein directed or unless otherwise specifically ordered all ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders (except probate orders) sought in the civil law and motion department or in the family law department shall be made pursuant to California Rules of Court, rule 379.

A hearing date and time for ex parte applications and order must be made in advance by contacting the Superior Court Clerk's office.

Eff. Jul 1, 2001; Amended Eff. Jan 1, 2003

RULE 4.11.4 HEADINGS ON PLEADINGS IDENTIFYING PARTIES

Each pleading shall contain a heading which includes a brief description of the pleading and the identity of the party for whom it is filed (e.g. "Defendant Dorothy Shaw's Answer to Complaint" or "Cross-Defendant Peter Smith's Answer to Cross-Complaint of Ace Corporation"). No clerk shall accept for filing or file any papers which do not comply with this rule and California Rules of Court 311 through 319 inclusive.

If the matter is one that prior to unification would have been filed in the municipal court, or if it is a matter described in California Rules of Court, rule 709, insert the word "Limited". The clerk will assume all filings not marked limited are unlimited filings and will charge the appropriate "higher" fee. Each pleading shall comply in all respects with California Rules of Court 311 through 319 inclusive.

Eff. Jul 1, 2001

**CHAPTER 5
TELEPHONIC APPEARANCE AND FACSIMILE FILING**

RULE 5.1 Status Conferences may be heard telephonically. All other matters require either appearance, or submission on pleadings in accordance with Rule 321(c) California Rules of Court.

Eff. Jul 1, 2001; Amended Eff. Jan. 1, 2003

RULE 5.2 Facsimile filing pursuant to Rule 2006, California Rules of Court, will be accepted by the court. Filing fees must be paid at the time of the filing by facsimile pursuant to paragraph (e) of Rule 2006 and will be subject to the additional charge set forth in paragraph (e)(3) thereof. Filing fee accounts pursuant to paragraph (f) of Rule 2006 will not be allowed. The additional fee set forth in paragraph (g) of Rule 2006 shall be charged and must also be paid at the time of filing by facsimile.

Eff. Jul 1, 2001

RULE 5.3 A document filed by facsimile shall comply with Rule 201, California Rules of Court and all applicable rules of this court.

Eff. Jul 1, 2001

RULE 5.4 In order to be filed with the court, all facsimile produced documents must be produced on plain 8# bond paper by laser printer or better quality technique, and in terms of legibility, quality of paper and permanence must be of equal or better quality than non facsimile produced documents.

Eff. Jul 1, 2001

CHAPTER 6 COURT REPORTERS

RULE 6.1 The court shall provide a court reporter in all matters statutorily required (Felony criminal proceedings, juvenile proceedings, etc.) and on law and motion calendars.

Eff. Jul 1, 2001

RULE 6.2 In accordance with Gov. Code §68086 and Rule 891 CRC, when a party requests a court reporter and the reporter is not required by the foregoing rule or by statute to report the court proceeding, such party shall provide and pay for a certified court reporter approved by the court.

Eff. Jul 1, 2001

RULE 6.3 All civil proceedings where the court provides a reporter, including family law proceedings, of less than one hour in duration will be reported without cost to any party. A fee for reporting services will be charged for all matters lasting more than one hour.

Eff. Jul 1, 2001

RULE 6.4 Any party requesting a transcript in any civil proceeding, including family law proceedings, shall order from and pay for such transcript directly with the court reporter.

Eff. Jul 1, 2001

CHAPTER 7 FAMILY LAW RULES

RULE 7.1 CHILD CUSTODY AND/OR VISITATION

Section A Applicability/General Procedure

(1) This rule applies to all Family Law cases involving a dispute regarding child custody and/or visitation, including any action for Dissolution of Marriage, Legal Separation, Paternity (excluding District Attorney actions) or Domestic Violence.

(2) This rule and the name and telephone number of the Family Court Services Coordinator shall be provided by the clerk of the court to a petitioner upon any filing of a petition or moving papers. The petitioner shall serve the same, along with the petition or moving papers, on the responding party.

(3) The clerk of the court will not schedule a court date until the requirements set forth in Section B of this rule have been met.

Section B Family Court Services Mediation Completion Requirements

(1) The parties shall contact the Family Court Services Coordinator to set up an appointment to attend a mediation orientation session (a pre-mediation video) explaining the mediation process. The parties may attend the orientation session separately. Both parties must attend the orientation session unless the court has specifically ordered otherwise. Generally, the court will not exempt parties from attending the orientation session unless it would cause undue hardship (i.e., you reside out of state and the court has authorized telephonic mediation).

(2) After attending the orientation session the parties will be given a form verifying the parties attendance and a list of approved "court mediators". (Court mediators have agreed to the court's compensation schedule, and have demonstrated they meet the qualifications for a mediator set forth in the California Family Code and California Rules of Court). The parties must give the verification form to their attorneys for filing with the court, or if the parties don't have attorneys, they should bring the form with them to the next court appearance at which time deliver it to the court clerk.

(3) The parties are directed to agree on a mediator. You may select any mediator you wish, however, the court can only pay for mediation provided by a mediator who is on the court's list of approved "court mediators". If you elect to use a mediator who is not on the court's list you will be responsible for paying the mediator's fees. If the parties cannot agree on a mediator, the FCSC will select a mediator from the list of "court mediators" at random. The parties shall each have one peremptory challenge of a mediator if the FCSC random selection is required.

(4) The mediation session shall be held in private and all communications from the parties to the mediator shall be deemed official information within the meaning of Evidence Code Section 1040. Only the parents or the parties involved in the action shall be present in the mediation session.

(5) It is the parties' responsibility to schedule the mediation with the mediator selected, and to attend the mediation session as scheduled, prior to the date of any child custody and/or visitation hearing. The FCSC will verify attendance with the mediator; and, if mediation has been completed, the FCSC will notify the clerk of the court to schedule a hearing date.

(6) Pursuant to §575.2 of the Code of Civil Procedure, appropriate sanctions may be imposed by the court upon any party for failure to attend the orientation session or mediation.

(7) If after mediation all issues regarding custody and/or visitation have been resolved the parties shall file a stipulation to that effect.

Section C Custody and/or Visitation Issues Filed Under the Domestic Violence Act

(a) Separate Mediation Sessions. In any proceeding for which mediation is required and there is a history of domestic violence between the parties, or where a protective order as defined in Family Code §6218 is in effect, then at the request of the party who alleges domestic violence (in a written declaration under penalty of perjury) or who is protected by the order, the appointed Mediator shall meet with the parties individually, and at separate times.

(b) Conducting the Mediation. If the parties agree to meet jointly rather than individually with the Mediator, then during the mediation a support person may accompany any party who is protected by a restraining order. However, the mediator may exclude a support person from a session if that person disrupts the process of mediation.

Section D Custody and/or Visitation Evaluations

- (1) The court may order an investigation or evaluation pursuant to California Rule of Court 1257 of a family and the other pertinent parties, and a report thereon, to assist it in assessing the health, safety, welfare and best interests of a minor child or children, when there are disputed custody and/or visitation issues.
- (2) Where the parties stipulate to such an investigation or evaluation, such stipulation will be approved only where the court deems it to be warranted.
- (3) The parties may stipulate to an investigator or evaluator. However, absent such stipulation, the court will appoint an investigator or evaluator of its selection, or may for good cause appoint someone other than as stipulated. In any event, any investigator or evaluator appointed by the court shall meet the requirements set forth in Rule 1257.3 of the California Rules of Court. Investigators/evaluators appointed by the court are not subject to peremptory challenge.
- (4) At the time an evaluation order is executed, whether pursuant to stipulation or otherwise, the costs associated with evaluations must be determined. The court will order payment according to the Court's assessment of ability to pay. Generally, fees are not waived for these evaluations. The court will require an initial deposit of the estimated costs thereof, but not less than \$1,500 to be made by the parties prior to commencement of the evaluation.
- (5) A copy of the evaluator's report shall be provided to the court and to any attorneys of record not less than ten (10) days before any related hearings. A copy of the report may be made available for review in the courtroom to self-represented parties only upon order of the court. The report may not be used for any purpose other than as evidence at a custody or visitation hearing, unless otherwise ordered by the court. The court's copy of the report shall be placed in a confidential envelope, to be kept in the court file, not to be opened, except by a judicial officer or as may otherwise be ordered by the court after prior notice to all parties.
- (6) Grievances in connection with court-ordered evaluations shall be presented, in writing to the Presiding Judge within ten (10) days of receipt of the report and such grievances shall be addressed at the scheduled custody hearing.

Eff Jul 1, 2001; Amended Eff. Jan 1, 2003

RULE 7.2 FINANCIAL DECLARATIONS

In all proceedings brought under the Family Law Act, prior to every default hearing and every contested hearing, there shall be filed by each party an income and expense declaration and a property declaration, in the forms prescribed respectively by rules 1285.50 and 1285.55 California Rules of Court, unless the matter to be considered at the hearing does not involve the consideration of any financial issue. Such statements shall show conditions as they existed no earlier than three (3) weeks prior to the hearing, shall be completely filled out so that every blank calling for information available to the declarant is filled out (with the word "none", if that be an appropriate response), and shall be filed no later than the Court day prior to the hearing, unless an earlier filing is required by rule or statute.

Eff. Jul 1, 2001

RULE 7.3 PRE-HEARING CONFERENCE

No matter (including a motion, order to show cause, or trial) in a proceeding brought under the Family Law Act will be heard until counsel, with their respective clients are either physically present or immediately physically available, or parties in proper, have met and conferred in a good faith effort to resolve all issues. Such Conference shall include an exchange of all documents which may be relevant to contested issues or

which may be offered in evidence. At the onset of the hearing on the matter, counsel, or parties in pro per, will be expected to represent to the Court that there has been compliance with this rule. Non-compliance with the rule may result in the matter being dropped from the calendar or continued, or the rejection of documents not exchanged, or other appropriate sanctions.

Eff. Jul 1, 2001

CHAPTER 8 PROBATE RULES

RULE 8.1 TAX CERTIFICATES

All real and personal property taxes due on estate assets must be paid prior to final distribution. A Property Tax Clearance Certificate (required to be on file prior to final distribution) will be issued by the Mono County Tax Collector after the Assessor has received all of the following documents:

- (A) A copy of the Petition for Probate.
- (B) Change of ownership statement for each parcel of real property in Mono County in which decedent owned an interest, if such real property will be included in the Inventory of estate assets.
- (C) An endorsed copy of each Inventory filed in the estate. Receipt by the Assessor of an endorsed copy of any Inventory marked "Final" will act as an automatic request for issuance of the Property Tax Clearance Certificate.

If it is likely that a final Inventory will not be on file within ninety (90) days of the date of death, mail directly to the Assessor within that period a copy of the Inventory that the personal representative plans to file (appraised values are not necessary), and thereafter furnish the Assessor with endorsed copies of the Inventories actually filed.

Eff. Jul 1, 2001

CHAPTER 9 CRIMINAL RULES

RULE 9.1 FILING OF MISDEMEANORS.

Except as ordered upon a showing of good cause, the complaint shall be presented to the clerk for filing not later than (i) 3:00 p.m. on the day before the defendant's first appearance, if the defendant is in custody; or (ii) 3:00 p.m. of the second calendar day preceding the date of first appearance, if the defendant is not in custody. The district attorney shall provide a copy of the complaint for distribution to the defendant at the time of arraignment.

Eff. Jul 1, 2001

RULE 9.2 FILING OF FELONIES.

Except as ordered upon a showing of good cause, the information or indictment shall be presented to the clerk for filing not later than 12:00 noon on the day before defendant's first appearance for arraignment on the Information.

Eff. Jul 1, 2001

RULE 9.3 COUNTER ARRAIGNMENTS IN MISDEMEANOR MATTERS.

Entry of plea, time waiver, and request to continue for pretrial in misdemeanor matters only can be handled through counter arraignment form (see Appendix A) for defendants represented by counsel. Counter arraignment forms must be received by the clerk no later than 3:00 p.m. the day before the scheduled arraignment.

Eff. Jul 1, 2001

RULE 9.4 TRIAL SETTING

All criminal trials will be set within sixty (60) days of arraignment unless good cause is shown for a later trial date.

Eff. Jul 1, 2001

RULE 9.5 TRIAL CONFIRMATION HEARING

All criminal matters set for jury trial will be set for trial confirmation hearing at least fourteen (14) days prior to trial. All other criminal trials, or probation revocation hearings, will be set for pretrial at least one day prior to date of hearing or trial. Confirmation of jury trial constitutes a representation by counsel that they are ready to proceed to trial. No continuance of the trial will be granted without compliance with Penal Code §1050 procedures.

Eff. Jul 1, 2001

RULE 9.6 PRETRIAL MOTIONS

All pretrial motions shall be set for hearing on or before the date set for trial confirmation hearing.

Eff. Jul 1, 2004

RULE 9.7 PRETRIAL CONFERENCE

A pretrial conference shall be set prior to trial. At least seven (7) days prior to the date set for pretrial, the District Attorney and defense counsel shall confer and discuss the issues to be addressed. Any offers which the District Attorney proposes to make at pretrial shall be disclosed to defense counsel at said conference. Defense counsel shall forthwith communicate any such offers to the defendant, and shall respond to the District Attorney's offer prior to the date scheduled for pretrial.

Eff. Jul 1, 2001

RULE 9.8 CRIMINAL DISCOVERY

Criminal Discovery shall be conducted pursuant to the provisions of the California Penal Code, and Case Law.

Eff. Jul 1, 2001

CHAPTER 10 JUVENILE COURT RULES

RULE 10.1 TIMELINESS

Unless otherwise specifically approved by the Court, accompanied by applicable time waivers, attorneys for parties are required to adhere to the statutory timeliness for all filings and hearings.

Eff. Jul 1, 2001

RULE 10.2 MANDATORY SETTLEMENT CONFERENCE

In every dependency case in which a Petition for Jurisdiction has been filed, the Court shall set a Mandatory Settlement Conference prior to the date for the Jurisdictional Hearing in order to afford all parties and their counsel the opportunity to attempt to resolve the matter by Stipulation without the necessity of Jurisdictional Hearing.

Eff. Jul 1, 2001

CHAPTER 11 FAMILY LAW FACILITATOR RULES

RULE 11.1 ADDITIONAL FACILITATOR DUTIES

(A) In addition to the duties designated by the Family Law Facilitator Act, the duties of the family law facilitator may include, but are not limited to, the following:

(1) Meeting with litigants to mediate issues of child support, spousal support, and maintenance of health insurance, subject to §10012 of the Family Code. Actions in which one or both of the parties are unrepresented by counsel shall have priority.

(2) Drafting stipulations to include all issues agreed to by the parties, which may include issues other than those specified in Section 1003 of the Family Code.

(3) If the parties are unable to resolve issues with the assistance of the family law facilitator, prior to or at the hearing, and at the request of the court, the family law facilitator shall review the paperwork, examine documents, prepare support schedules, and advise the judge whether or not the matter is ready to proceed.

(4) Assisting the clerk in maintaining records.

(5) Preparing formal orders consistent with the court's announced order in cases where both parties are unrepresented.

(6) Serving as a special master in proceedings and making findings to the court unless he or she has served as a mediator in that case.

(B) If staff and other resources are available and the duties listed in subdivision (A) have been accomplished, the duties of the family law facilitator may also include the following:

(1) Assisting the court with research and any other responsibilities which will enable the court to be responsive to the litigants' needs.

(2) Developing programs for bar and community outreach through day and evening programs, videotapes, and other innovative means that will assist unrepresented and financially disadvantaged litigants in gaining meaningful access to family court. These programs shall specifically include information concerning underutilized legislation, such as expedited child support orders and preexisting, court-sponsored programs such as appointment of attorneys for children.

Eff. Jul 1, 2001

CHAPTER 12 JURY RULES

RULE 12.1 REQUEST FOR JURY TRIAL IN EQUITY CASES, ETC.

A party desiring a jury trial where the right thereto is not guaranteed by law will be deemed to have waived a jury trial unless the party has complied with California Rules of Court, rule 377.

Eff. Jul 1, 2001

RULE 12.2 VERDICT FORMS AND INTERROGATORIES

A party requesting a jury trial shall submit to the trial judge at the times required by these rule and in no event later than 9:30 a.m. on the first morning of trial every form of special and general verdict and every form of interrogatory which may be required for disposition of the case.

Eff. Jul 1, 2001

RULE 12.3 REQUEST FOR JURY INSTRUCTIONS

Requested jury instructions shall be delivered to the trial judge at the times provided herein, or at such other times provided herein, or at such other times as may be ordered by the court. Additional supplementary instructions may be received by the trial judge at such time and on such conditions as may be just.

The request for jury instructions shall have a face sheet with the court cause and action number which will also contain a list of BAJI (California Jury Instructions –Civil) and CALJIC (California Jury Instructions – Criminal) instructions requested. Such lists shall have two columns: (1) BAJI or CALJIC number; and, (2) the title of the instruction.

Attached to said cover sheet shall be copies of all BAJI and CALJIC instructions requested with all blanks filled in and all surplusage blocked out. All other instructions requested by a party shall be described in the cover sheet and attached thereto. All such instructions shall be in a form that may be appropriately delivered to the jury for their reference in the jury room (The instructions shall *not* be denominated “Plaintiff’s Instruction” or “Defendant’s Instruction.”)

Eff. Jul 1, 2001

RULE 12.4 ATTORNEY TESTIFYING MAY NOT ARGUE THE CASE

An attorney testifying on the merits of the case as a witness on behalf of his client shall not argue the case to the jury unless by permission of the court.

Eff. Jul 1, 2001

RULE 12.5 DEPOSIT AND REFUND OF JURY FEES

A deposit of jury fees in the statutory amount shall be made by the party requesting a trial by jury as provided in section 631 of the Code of Civil Procedure. In the event that a jury is not required for the trial of any case for which a deposit of jury fees has been made, the deposit will be appropriated by the clerk to the extent of the costs involved in summoning the venire and compensating members of the venire for their attendance and the remainder of the deposit will be refunded to the depositor unless the venire is used for some other case in which event the entire deposit will be refunded to the depositor.

Eff. Jul 1, 2001

RULE 12.6 JURY PANELS

For all trials scheduled in Bridgeport, jurors shall be summoned from Northern Mono County only.

For all trials scheduled in Mammoth Lakes, jurors shall be summoned from Southern Mono county only.

The trial judge, in his discretion, may order a jury panel from throughout the county.

Northern Mono County is hereby designated as the following zip codes: 93517, 93541, 96107 & 96133.

Southern Mono County is hereby designated as the following zip codes: 93512, 93514, 93529 & 93546.

Eff. Jul 1, 2001

**CHAPTER 13
JURY COMMISSIONER****RULE 13.1 STANDING ORDER FOR DRAWING OF JURY**

Whenever the business of the Court, shall require the attendance of a trial jury, the Jury Commissioner shall direct that a trial jury venire be drawn and summoned to attend before the Court in such a number and at such a time as shall be appropriate for the conduct of the trials for which juries are required. This rule constitutes a continuing delegation to the Jury Commissioner of the Court's authority pursuant to Code of Civil Procedure §196.

Eff. Jul 1, 2001

RULE 13.2 EXCUSES FROM TRIAL JURY SERVICE

Excuses from trial jury service shall be administered pursuant to Code of Civil Procedures §204 and California Rules of Court, Rule 860.

Eff. Jul 1, 2002

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONO**

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APPENDIX A

APPEARANCE AND WAIVER

_____, Attorney at law, appears pursuant to Penal Code

section 977 (a), on behalf of defendant_____. Formal arraignment is

waived, not guilty pleas are entered to all counts, prior convictions and probation violations,

if any, are denied, time is waived for speedy trial, and I request that this matter be set for

pretrial on _____, _____, at 1:30 p.m. (not later than 21 days from

arraignment).

DATED:_____

ATTORNEY'S SIGNATURE